

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM J. BEBERNISS,)	
)	
Plaintiff,)	8:08CV509
)	
vs.)	ORDER
)	
CASE NEW HOLLAND, INC. and)	
GREG JARECKE,)	
)	
Defendants.)	

This matter is before the court on the plaintiff's response ([Filing No. 7](#)) to the court's March 26, 2009, order to show cause (Filing No. 6). The court's order required the plaintiff to show cause why the case should not be dismissed for failure to serve the defendants in accordance with [Fed. R. Civ. P. 4\(m\)](#). The plaintiff shows the defendants have now been served. **See** Filing No. 7 [Ex. C](#). The plaintiff also described the efforts undertaken to secure service. However, the plaintiff states the parties have agreed to allow the defendants until April 30, 2009, to file a response to the complaint. For that reason, the plaintiff seeks an extension of time until April 30, 2009, for any activity in this case.

The court finds the plaintiff has shown good cause why the matter should not be dismissed for failure to prosecute. However, after the brief extension it remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for clerk's entry of default. Accordingly,

IT IS ORDERED:

Not later than May 4, 2009, if no answers are filed, the plaintiff shall take appropriate action against the defendants, voluntarily dismiss the case, or show cause why this case should not be dismissed for failure to prosecute.

Dated this 9th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge